

REMARKS

This is intended as a full and complete response to the Restriction Requirement dated December 10, 2008, having a shortened statutory period for response set to expire on January 10, 2009. Please reconsider the claims pending in the application for reasons discussed below.

Claims 26-50 are pending in the application. Claims 26-50 are subject to an election/restriction requirement.

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 26-48, drawn to a capsule comprising an envelope having at least three layers.
- II. Claim 49 and 50, drawn to a composition comprising multiple distinct capsules.

The Examiner asserts that Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features.

Applicant elect claims 26-48 with traverse to facilitate prosecution. Applicant respectfully submits that a search based on the elected claims would also be effective with respect to the non-elected claims, and would therefore not pose an undue burden on the Examiner. Further, Applicant notes that claims 49 and 50 are dependent claims of Claim 26. Additionally, Applicant reserves the right to address the references cited by the Examiner if and when a rejection of the pending claims in place of a restriction requirement is issued by the Examiner.

The Examiner has also requested Applicant under PCT Rule 13.1 to further elect a single ultimate species and identify claims readable on the elected species for each of the following:

- a. A single specific number of layer(s) that is (are) layer that is labeled with dye(s). (For Groups 1-3).

- b. A single specific section of a specific "layer" that is not labeled with dye. (For Groups 1-3).
- c. A single species of a dye. (For Groups 1-3).
- d. A single specific selection of a capsule with or without additional layers. (For Groups 1-3; e.g. see claim 33).
- e. A single specific selection of a capsule with or without a solid core. (For Groups 1-3; e.g. see claim 45).

Applicant selects the species of a.-e. as follows with traverse to facilitate the prosecution of the pending claims.

For species a., Applicant selects a specific number of layer(s) as one (1), which corresponds to claims 26-50. See Claim 27.

For species b., Applicant selects a specific number of layer(s) as two (2), which corresponds to claims 26-50. See Claim 27.

For species c., Applicant selects the dye as fluorescent dyes, which corresponds to claims 26-34 and 36-50.

For species d., Applicant selects a capsule without additional layers, which corresponds to claims 26-32, and 34-50.

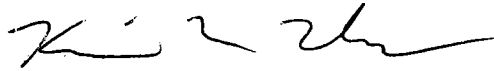
For species e., Applicant selects a capsule with a solid core, which corresponds to claims 26-42 and 44-50.

Applicant respectfully submits that a search based on the elected species and corresponding claims would also be effective with respect to the non-elected species and corresponding claims, and would therefore not pose an undue burden on the Examiner.

Withdrawal of the restriction requirement is respectfully requested.

Having addressed all issues set out in the Restriction Requirement, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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